

DNA
PROGRAM CONSULTATION & COORDINATION/DNA CHECKLIST
BUREAU OF LAND MANAGEMENT
TUCSON FIELD OFFICE

PART II: NEPA Adequacy REVIEW

Turbo NEPA #: AZ-060-2005-009

ASSIGNMENT AND REVIEW

Subactivity: 1220

Case/Project No.: AZA 32687

Project Name: City of Chandler Know Your Resources Workshop Cooperative

Location (legal description): T 18 S., R.17E Sec. 26

NLCS Unit: Las Cienegas NCA _____

Quad Name: Empire Ranch

Project Lead: Catie Fenn

Draft Review: Unit Manager/Supervisor: _____ Date: _____

Technical Review:

Criteria	NAME	CRITERIA	SIGNATURE	DATE
Applies?				
Yes No				
() ()	Bill Auby	(1) The new proposed action is a feature of or essentially the same as the alternative selected in the document being reviewed.		
() ()	Francisco Mendoza	(2) A reasonable range of alternatives to the new proposed action was analyzed in the document being reviewed.		
() ()	Jack Whetstone	(3) The information or circumstances upon which the document being reviewed are based are still valid and germane to the new proposed action.		
() ()	Bill Auby	(4) The methodology and analytical approach used in the document being reviewed is appropriate for the new action.		
() ()	Dan Moore	(5) The direct and indirect impacts of the new proposed action do not significantly differ from, or essentially the same as, those identified in the document being reviewed.		
() ()	Francisco Mendoza	(6) The new proposed action, if implemented, would not significantly change the cumulative impact analysis..		
() ()	Max Witkind	(7) Public involvement in the document being reviewed provides suitable coverage for the new proposed action..		

Approval:

Manager/Supervisor: _____ Date: _____

Environmental Coordinator: _____ Date: _____

Field Manager: _____ Date: _____

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

A. BLM Office: Tucson Field Office

Lease/Serial/Case File No. AZA 32687

Turbo Nepa **AZ-060-2005-009**

Proposed Action Title/Type: **Special Recreation Permit** 5 year Renewal for The City of Chandler's Empire Ranch Know your Resources Workshop".

Location of Proposed Action: Las Cienegas NCA, Arizona, Old Agricultural Field designated Group Site.

Description of the Proposed Action The City of Chandler and "The Know Your Resources" cooperative would like to renew their existing SRP that offers a series of overnight camping adventures designed to introduce the participants to camping skills and recreation areas in Arizona. Campers will take part in Dutch oven cooking, interpretive hikes, environmental education programs, campfire entertainment and cleanup.

This event will be called the "Empire Ranch Know your Resources Workshop". Each year's event will be scheduled in mid April, the first event is scheduled for April 15, 2005 and last in April 2009. Each year's event location is in the "Old Agricultural Fields", an authorized group site on Las Cienegas NCA.

The work shop charges fees, expects up to 100 participants, but normally averages about 50 participants. The participants provide their own transportation and camping gear. Portable toilets will be provided by the sponsors.

Applicant (if any): LV Yates Volunteer organizer and Dave McDowell, City of Chandler, Stop 501. P.O. Box 4008, Chandler, AZ 85244-4008

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

Las Cienegas National Conservation Area RMP/ EIS/ ROD 2003

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

■ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

Excerpt from Approved LCNCSA RMP/ROD July 2003 Page 44

1. Special Recreation Permits

- a. Many types of Special Recreation Permits may be applied for on Las Cienegas NCA for commercial, competitive and organized group events. These applications will continue to be considered on a case-by-case basis and issuance of permits is discretionary. Many applications

for incompatible uses may be sought in areas that may not be suitable for the use and may conflict with the maintenance of certain desired resource conditions and established recreation settings. Indirect promotion of more primitive areas may also occur. Table 6 is designed to provide guidance and flexibility in considering the types, number, group sizes and frequencies of Special Recreation Permits in each Recreation Zone. (RR09).

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

1. CX AZ-060-2004-007 A School Educational Outing and Volunteer Project.
2. CX AZ-060-2004-0020 Miles Exploratory Learning Center Campout
2. EA NO. AZ-931-93-001 SPECIAL RECREATION PERMITS FOR COMMERCIAL RECREATION ACTIVITIES ON PUBLIC LANDS IN ARIZONA

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report). **NONE**

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

1. The proposed action is a feature of or essentially the same as the alternative selected in the document being reviewed.

Rationale: *Yes, this activity is covered in the Las Cienegas NCA RMP/ROD 2003 and in the CX AZ-060-2004-007- School Educational Outing and Volunteer Project,*

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Documentation of answer and explanation:

Yes, and also conforms to the Las Cienegas National Conservation Area RMP /ROD for this type of use/activity.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation:

Yes, TFO recently performed extensive review and analysis of area including this type of activity in current RMP/ROD

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes, this proposal is compared to the Programmatic EA and RMP/ROD and reviewed to be consistent by the Tucson Field Office NEPA review team.

5. Are the direct and indirect impacts of the current proposed action substantially

unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, the activity is minimal and cumulative impacts unchanged.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Yes, the proposed type of activity was anticipated and covered in the Las Cienegas NCA RMP/ROD, which was developed by a public community-based planning group.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Catie Fenn Las Cienegas NCA Staff TFO Nepa Review Team	Outdoor Recreation Planner	Recreation

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

See attached Tucson Field Office standard stipulations.

CONCLUSION

☐ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked.

Signature of the Responsible Official

Date

**SPECIAL RECREATION PERMIT
TERMS, CONDITIONS AND STIPULATIONS**

**8372
(Rev. 08/25/2003)**

COMPANY: Know your Resources Cooperative and the City of Chandler
PERMIT #

I. RISKS, HAZARDS AND SAFETY

A. Hazards related to climate, topography and terrain, waters, vegetation and wildlife, and human-made features are found on public lands and present risks which the permittee assumes. The permittee shall be responsible for inspecting sites, trails, roads, rivers and other authorized use areas for dangers and hazardous conditions, ensuring awareness by employees and clients of such risks and hazards, and promoting safe practices at all times.

B. Adequate first aid and safety equipment shall be provided while performing the permitted activities.

C. All guides and employees responsible for clients in the field shall be trained in First Aid/cardiopulmonary resuscitation (CPR), and hold a valid certification of training from the American Red Cross or its equivalent. Proof of first aid training shall be submitted to the BLM for all field guides and employees.

D. In case of human death, or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.

E. The permittee shall notify the BLM of any accidents involving the permitted operation which result in loss of consciousness, injury disabling individuals in excess of 24 hours, requiring medical treatment or search and rescue, or property damage in excess of \$100, and shall submit a detailed written report to the BLM within 10 days from the date of the accident. Other accidents shall be reported in the "Post Use Report".

II. INDEMNIFICATION

A. The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.

B. Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:

- (1) \$300,000 general liability per occurrence,
- (2) \$600,000 bodily injury annual aggregate,
- (3) \$30,000 property damage per occurrence,

General Guidelines for Minimum Insurance Requirements		
SRP Event or Activity	Per Occurrence	Per Annual Aggregate
Low Risk: general non-competitive and non-commercial activities such as group camping, group activities, orienteering, back packing	\$300,000	\$600,000
Moderate Risk White water boating, horse endurance rides, OHV events, mountain bike races, ultra light outings	\$500,000	\$1,000,000
High Risk: bungee jumping, speed record events, unaided rock climbing	\$1,000,000	\$2,000,000- \$10,000,000

C. A certificate of insurance shall be submitted, stating the limits of coverage, identifying the "United States Government" as additional insured, and that the insurer will give BLM thirty (30) days notice prior to cancellation or modification of such insurance.

III. APPLICABLE LAWS AND REGULATIONS

A. This Permit is subject to all applicable provisions of the regulations (43 CFR Group 8300) which are made a part hereof.

B. The permittee shall observe all applicable Federal, State, and local laws and regulations while performing any authorized activity, including but not limited to: (1) operation, use and registration of motor vehicles, OHV's, aircraft, and boats; (2) hunting and fishing; (3) use of firearms; (4) injury to persons or destruction of property; (5) noise, air and water pollution; (6) littering; (7) drinking water and sanitation; (8) food

service; (9) use of fire; and (10) business practices.

C. All hunting activities shall comply with the Arizona Game and Fish hunter safety requirements.

D. Permittee shall comply with Off Highway Vehicle (OHV) use designations and restrictions in the area of operation as identified in the Resource Management Plan and prescribed in 43 CFR 8340.

E. The permittee shall notify the BLM of any conviction for any violation of Federal, State and local laws and regulations committed by himself, employees, clients and guests in connection with the authorized operations. Notification shall be in writing, describing the nature of the violation and submitted within 30 days of such conviction.

F. Permittee shall comply with all administrative procedures and requirements for permit application and/or renewal in a timely manner, and shall maintain current all permit requirements including but not limited to the operating authorization, operating plan, State permit or license, insurance, and first aid training certifications

IV. LIMITATIONS

A. This permit authorizes only temporary use in connection with the operations, during the period(s), and in the area(s) identified in the Operating Authorization and approved operating plan.

B. Reassignment or Transfer: This permit may not be reassigned or transferred by the permittee for any reason whatsoever.

C. Use of Nonpublic lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land) unless specifically provided for through a joint use permit.

D. The applicant shall provide upon request the name(s) and address(es) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.

E. Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.

F. Multi-Year Permits: A multi-year permit is not valid unless accompanied by a current Annual Operating Authorization.

G. Joint Permit Requirement: This permit authorizes use of public lands only in the Tucson Field Office; use of public lands in another Field Office must be approved under a separate or joint use permit.

V. NON_EXCLUSIVE USE

A. The permittee, employees and clients shall not interfere with other valid uses of public land, including but not limited to grazing, mining, and other recreational uses by the general public or other permitted commercial operations.

B. Roads, trails and trailheads, river access or campsites commonly in public use shall not be blocked or enclosed by the permittee.

C. This SRP does not guarantee the permittee's sole use of public land areas, nor does it grant the exclusive use of any area.

D. Public lands will generally remain available on a first-come, first served basis to

other commercial and private recreational users. Nothing herein implies that the first permittee in any area has been granted exclusive use, or priority use.

VI. CONDUCT AND MANNERS

A. The permittee is at all times responsible for the actions of himself, employees, clients and guests in connection with the authorized operations, and shall ensure compliance with the permit stipulations as applicable and not cause a public disturbance or engage in activities which create a hazard or nuisance.

VII. MODIFICATION OR AMENDMENT

A. The BLM reserves the right to alter the terms, conditions, and stipulations of this permit at any time upon notice for reasons such as changes in law, policy or administrative procedure, to prevent use conflicts, to protect public safety, or to prevent resource damage.

B. The permittee shall request amendment or modification of the permit to provide for changes in use areas or sites, season of use, services provided, or any substantive changes in the operating plan.

C. The BLM may restrict use or close sites or areas on public land, or require relocation of use sites or areas to prevent use conflicts, protect public safety, or prevent resource damage.

VIII. PAYMENTS

A. Use Fee Payments: Permit fees are due and payable in advance annually based on estimated use gross receipts. Payments shall be sent to the Tucson Field Office and may be made by credit card, check, money order or cashier's check made payable to "The Bureau of Land Management".

B. Basis for Fee: The annual permit fee shall be three percent (3%) of total client charges or \$80.00 annual non-refundable minimum, whichever is greater. Gross receipts shall be the sum of all payments made by clients for services rendered in connection with the permitted operations, before disbursement to others for use of non-public land, payment to employees, and any other disbursement. The permit fee for competitive events and organized group events or activities is \$4.00 per participant per day.

C. Periodic Payments: At the Field Office Manager's discretion, when the estimated annual use fee is greater than five hundred dollars (\$500.00), a schedule for periodic payments may be arranged.

D. End of Season Payment: The actual use fee shall be determined from the use reports. If the actual use fee is greater than the advance payment(s) the permittee will be billed for the balance due, and payment shall be due within 30 days of the billing date.

E. Refunds:

1. In the event a SRP is not approved after advance payment is made during the application process, all payments except a \$10.00 processing and filing fee shall be refunded to the applicant without interest.

2. Advance payments in excess of actual use fees due shall be applied towards the following year's permit payments unless a refund is requested in writing

by the permittee. No refunds of less than ten dollars (\$10.00) will be made.

F. Late Payments: Late payment of fees may result in permit probation, suspension, and/or revocation, and interest and administrative handling charges.

G. Deductions: Allowable deductions in permit fees shall be agreed upon in advance, and may include costs related to the permitted operations incurred by the permittee for long distance off-site transportation, off-site lodging, and use of non-public lands, per Handbook H_8372_1.

IX. USE REPORTS

A. Trip Logs: Trip Logs shall be submitted within 30 days of the last day of use authorized on a form provided by the BLM or an approved equivalent. Trip logs shall indicate accurately the dates of use, location, type of use, number of clients, number of staff, equipment, vehicles and livestock used, total receipts, and any deductions claimed.

B. Post Use Report: A Post Use Report shall be submitted within 30 days of the last day of use authorized, on a form provided by the BLM or an approved equivalent. The post use report shall indicate accurately the total number of clients served during the term of the permit, total number of staff and total use, total receipts, and total deductions claimed; describe any accidents or injuries occurred, and any management problems or concerns.

C. Late Use Reports: Late submission of use reports may be cause for action against the permittee, including probation, suspension, and/or revocation, or law enforcement penalties.

D. Non-Use: A permit may be canceled after two consecutive seasons of non-use.

X. INSPECTION OF RECORDS AND PREMISES

A. The BLM, or duly authorized representative, may examine upon request any of the records, including but not limited to bookings, client registers, financial records, leases or contractual agreements, licenses, or other documents related to the permitted operations.

B. The BLM and its cooperators, including the Arizona Game and Fish, USDA Forest Service, and the Arizona State Parks, shall at all times have the right to enter the premises located on public land on official business. The permittee shall allow reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.

C. The permittee shall post a copy of the permit or Operating Authorization in plain view at the base of operations and camps, where clients, BLM and the Game and Fish officers have the opportunity to read it.

D. All guides and employees must carry a copy of the permit or Operating Authorization while conducting operations on public lands, and they must be familiar with the Permit terms, conditions and stipulations.

XI. SIGNING AND ADVERTISING

A. Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.

B. All advertising shall be accurate and not misrepresent in any way the services or

accommodations provided, or the area authorized for use. Brochures and other advertising materials shall include the following or a similar disclosure: "Use of Public Lands Under Permit by the Bureau of Land Management".

XII. CAMPSITES

A. Camps may not be set up for any longer than necessary and no earlier than the day of the trip's arrival, and must be removed on the day of the trip's departure, unless specifically authorized otherwise. No year-round, permanent camps may be established on BLM lands; only temporary facilities are permitted.

B. Camps shall be located to avoid conflict with public road and trail traffic, and stream, river or lake access, and to the extent possible shall be located out of sight of major trails.

C. All campsites and temporary improvements shall be as described in the approved operating plan.

XIII. CAMP FIRES

A. Unless designated permanent fireplaces are available, open campfires shall be built only in areas free of hazardous fuels. Fire rings or pits shall be set on bare mineral soil. After use, fire rings or pits shall be obliterated and the site rehabilitated. Open fires may be prohibited during periods of extremely high fire hazard by order of the BLM or the State of Arizona.

B. Campfires shall be completely extinguished when left unattended. The permittee is responsible for all fires started by him/her self, employees, or clients, and may be held responsible for fire suppression costs resulting from wildfire caused by his/her operations.

C. An axe, shovel, water bucket or extinguisher for fire control shall be available at each campfire.

D. Wildfire caused by the permitted operation shall be reported immediately to the nearest BLM office. The permittee is responsible for informing employees, clients, and participants of the current fire danger and required restrictions or precautions that may be in effect.

XIV. LIVESTOCK USE

A. Authorized pasture use of livestock is temporary and limited to transportation purposes, and will not establish a priority for future use of the range. Rangeland grazing may be restricted and feed may be required to be packed in. The permittee shall prevent localized over grazing and damage to vegetation by permitted transportation livestock.

B. Construction of permanent fences or corrals is not permitted. Temporary livestock control structures may be erected, including corrals and hitching racks, provided they are dismantled after the use season.

C. The permittee may be required to pay additional fees for rangeland forage consumed by livestock during the permitted operations.

D. Livestock shall not be tied to trees for other than short term, temporary stops. Hobbles, pickets, high-lines or corrals shall be used to control livestock.

E. Livestock control structures (corrals, hitching racks, pickets, high-lines) must be at

least 200 ft from springs, streams, lakes, reservoirs or other water sources.

XV. EQUIPMENT CACHES

A. Food and/or equipment caches require advance authorization. When authorized, caches shall be neatly stored out of sight of roads and trails.

XVI. RESOURCE PROTECTION

A. Aesthetics: Permittee shall protect the scenic, visual and aesthetic values of the public lands used in the operations, and maintain premises on permitted grounds and areas to acceptable standards of repair, orderliness, and cleanliness.

B. Rehabilitation: After camps and other temporary facilities are dismantled, insofar as practical, the area shall be left in a natural state.

C. Sanitation: Permanent toilet facilities shall be used wherever available. If permanent toilets are not available, self contained or pit type toilets/privies or latrines shall be used at all campsites on public land. Waste from self contained toilets must be disposed of at a State approved sewage disposal facility. Pit type toilets must be located at least 200' from any water source. When abandoned, toilet pits shall be covered with a minimum of 12" of topsoil and back filled to pre-existing grade. While in use, human waste in pits shall be covered with a layer of topsoil or lime after each individual use.

D. Trash Disposal: All trash generated by the permitted operation shall be packed out of public land. No trash or litter shall be allowed to accumulate on the grounds. Combustible trash may be burned when campfires are authorized. Trash shall not be buried on public land.

E. Dead animals and their remains shall be disposed of at least 200' away from springs, streams, lakes, ponds, campsites, river access sites and roads/trails.

F. Waste or by-products of any kind shall not be discharged into any river, stream, reservoir, lake or pond.

G. Soils: Permittee shall conduct the permitted operations in a manner which prevents severe rutting, or severe soil erosion.

H. Vegetation Damage/Removal: All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Cutting or clearing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any reason shall require specific advance authorization.

I. Firewood Cutting: Firewood may be cut on public land only for campsite use while on public land, and may not be transported off the public lands without a separate firewood cutting permit. Only dead and down wood shall be cut for firewood.

J. Protection of Public Property: Signs, equipment, markers, fences, and livestock watering facilities or any other property found on public land shall not be damaged, destroyed, defaced, removed, or disturbed.

K. Cultural Resources: Archeological and historical values including, but not limited to, petroglyphs, ruins, historic structures, cabins and artifacts shall not be damaged, destroyed, removed or disturbed. Any hidden cultural values uncovered through authorized operations shall be left in place, and the Field Office Manager shall be notified of their discovery. Fires and stoves are prohibited inside old cabins or historic structures. Cutting or gathering firewood or lumber from historic structures,

standing or collapsed, is prohibited.

L. Wilderness Areas: In addition to restrictions pursuant 43 CFR 8500, use in designated wilderness areas may be subject to special restrictions established in area management plans.

M. Facility Construction: Construction of permanent facilities or improvements of any kind, including but not limited to roads, trails or structures, is not authorized by this permit and shall require separate authorization.

XVII. PERFORMANCE EVALUATION

A. The BLM shall conduct periodic inspections and performance evaluations of the permittee's operations and compliance with the terms, conditions and stipulations of the permit.

B. Violations and Penalties: Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 8372.0-7, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit revocation, suspension or probation. Violations may also be cause for the BLM to deny approval of a Permit or Operating Authorization for subsequent years. If a permit is canceled or suspended, permit applications will not be approved for any person connected to or affiliated with the operation under a canceled or suspended permit.

1. Revocation: This permit may be canceled or revoked without compensation for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall immediately cease upon cancellation. After a permit is canceled or revoked, any commercial use of public lands shall be in violation of federal regulations, and the Bureau may deny future authorization for use of public lands.

2. Suspension: This permit may be temporarily suspended, in whole or in part, without compensation for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall cease immediately upon suspension. After a permit is suspended, any commercial use of public lands shall be in violation of federal regulations. The Bureau may reissue authorization for use of public lands after corrective action is taken by the permittee and the operation is under compliance with the terms, conditions and stipulations.

3. Probation: The permit may be placed under special scrutiny for any failure to comply with the terms, conditions and stipulations hereof, and operations on public land shall be allowed to continue while under probation.

XVIII. CERTIFICATION

A. I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Date

Signature

Name